



California Fair Political Practices Commission

September 23, 1988

Ms. Elizabeth Starbuck
Larry Walker Supervisor Committee
P.O. Box 968
Chino, CA 91708

Your Request for Advice
Our File No. I-88-306

Dear Ms. Starbuck:

You have requested advice under the campaign disclosure provisions of the Political Reform Act (the "Act.")^{1/} Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed).^{2/}

QUESTIONS

(1) Are contributions made by an individual and his or her business aggregated for purposes of reporting a cumulative amount?

(2) If the contributions are aggregated, what guideline should be used to determine who controls the account?

(3) Does the term "business" include partnerships and corporations?

CONCLUSIONS

(1) and (2) We do not have sufficient facts to provide a specific answer to your questions. The opinion issued to Thomas G. Lumsdon (1976) 2 FPPC 140 (copy enclosed), provides general guidance.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 84113; Regulation 18329(c) (3).)

Elizabeth Starbuck
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(3) The term "business" as used in the FPPC "Information Manual on Campaign Disclosure Provisions of the Political Reform Act" includes partnerships and corporations. "Business entity," as defined in the Act, includes:

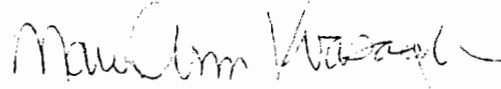
Any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

(Section 82005.)

If you need additional assistance concerning this matter, please contact me at 916/322-5662.

Sincerely,

Diane M. Griffiths
General Counsel

A handwritten signature in dark ink, appearing to read "Mary Ann Kvasager", is written over the typed name.

By: Mary Ann Kvasager
Political Reform Consultant

Enclosures
DMG:MAK:kmt

elect

Larry Walker
county supervisor

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July 28, 1988

Fair Political Practices Commission
428 J Street
Sacramento, California 95814

To Whom It May Concern:

After reading the 1988 Information Manual on Campaign Disclosure Provisions of the Political Reform Act, I seek clarification of Part V, Section A, Cumulative Amount, in regard to cumulating contributions from an individual and his or her business. Does the term "business" include partnerships and corporations?

If so, how does one determine who "controls" the account? For example, if John Jones and Sam Smith are partners in XYZ Company, and both individuals contribute \$100 each from their personal funds to a campaign, and the XYZ Company contributes \$500 to the same campaign, how does one report the company's contribution on the disclosure statement?

The situation could become even more complicated in a corporation. Example: The David Doe Corp.; David Doe is president and there are four vice-presidents. The president and all vice-presidents may have the ability to direct the corporation's accounting department to make a campaign contribution. Bill Baird, one of the vice-presidents, makes a campaign contribution from his personal funds of \$200. A month later, a check for \$1,000 is received from the David Doe Corp. How should this be reported on the disclosure statement?

I appreciate your review of this matter and look forward to your written response.

Sincerely,

Elizabeth Starbuck

ELIZABETH STARBUCK

88-306

elect

Larry
Walker
county supervisor

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